

Appl. No. 10/529,568  
Amdt. Dated November 14, 2006  
Reply to Office Action mailed: August 14, 2006

**LISTING OF CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-16 (Canceled).

Claim 17 (Currently amended): A tool assembly comprising:

a pair of jaws including a first jaw and a second jaw, each of the jaws having a proximal end and a distal end, the first and second jaws being movable in relation to the other in response to an actuating stroke ~~between a spaced position and an approximated position;~~

first and second cam followers supported on ~~one of the first and second jaws~~ jaw; and  
an approximation member including at least one cam surface positioned to engage the first and second cam followers, the approximation member being movable to move the at least one cam surface in relation to the first and second cam followers;

wherein the approximation member is movable to move the at least one cam surface in relation to the first ~~an~~ and second cam followers to effect movement of the first ~~and second jaws~~ jaw ~~between the spaced position and the proximate position, the at least one cam surface is configured to approximate the distal end of the first and second jaws prior to approximation of the proximal ends of the first and second jaws~~ to approximate a distal end of the first jaw with the second jaw in a first portion of the actuating stroke, to move the distal end of the first jaw away from the second jaw in a second portion of the actuating stroke, and to bring together the

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first jaw and the second jaw in substantially parallel closure in a third portion of the actuating stroke.

Claim 18 (Previously presented): A tool assembly according to claim 17, wherein the first jaw includes an anvil and the second jaw includes a cartridge assembly, the cartridge assembly housing a plurality of staples.

Claim 19 (Previously presented): A tool assembly according to claim 17, wherein the at least one cam surface includes at least one cam channel.

Claim 20 (Previously presented): A tool assembly according to claim 19, wherein the at least one cam channel includes first and second cam channels.

Claim 21 (Previously presented): A tool assembly according to claim 17, wherein the approximation member includes a flat plate having the at least one cam surface formed therein.

Claim 22 (Previously presented): A tool assembly according to claim 21, wherein the first jaw includes a longitudinal slot formed in its proximal end, the approximation member being slidably positioned in the longitudinal slot.

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Claim 23 (Previously presented): A tool assembly according to claim 22, wherein the first and second cam followers are supported on the proximal end of the first jaw and extend across the longitudinal slot adjacent the at least one cam surface.

Claim 24 (Previously presented): A tool assembly according to claim 23, wherein the at least one cam surface includes first and second cam channels, the first cam follower extending through the first cam channel and the second cam follower extending through the second cam channel.

Claim 25 (Previously presented): A tool assembly according to claim 17, further including a body portion, wherein the tool assembly is pivotally attached to the body portion by an articulation joint.

Claim 26 (Currently amended): A tool assembly according to claim 25, wherein the body portion forms ~~the~~ a distal end of a surgical stapling device.

Claim 27 (Previously presented): A tool assembly according to claim 17, wherein the body portion forms the proximal portion of a disposable loading unit.

Claim 28 (Withdrawn): A surgical device comprising:  
  
a body portion defining a longitudinal axis;

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a tool assembly including an anvil, a cartridge assembly housing and a plurality of staples and a dynamic clamping member, the anvil and cartridge assembly being movable in relation to each other between spaced and approximated positions, the dynamic clamping member being movable in relation to the anvil and the cartridge assembly to eject the staples from the cartridge assembly, the tool assembly being pivotally attached to the body portion and being pivotable in relation to the body portion from a position aligned with the longitudinal axis of the body portion to a position oriented at an angle to the longitudinal axis of the body portion; and

an articulation and firing actuator extending at least partially through the body portion and the tool assembly, the articulation and firing actuator being operably associated with the dynamic clamping member and the tool assembly and being movable in relation thereto to selectively pivot the tool assembly in relation to the body portion and move the dynamic clamping member in relation to the tool assembly to effect ejection of the staples from the cartridge.

Claim 29 (Withdrawn): A surgical device according to claim 28, wherein the articulation and firing actuator includes a flexible band having a first end portion extending at least partially through the body portion and through the cartridge assembly, a central portion extending from the first end portion and being operatively associated with the dynamic clamping member and a second end portion extending from the central portion through the cartridge assembly and at least partially through the body portion to a position adjacent the first end.

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Claim 30 (Withdrawn): A surgical device according to claim 29, wherein the articulation and firing actuator is operably associated with the tool assembly such that movement of either the first end portion or the second end portion of the flexible band proximally and independently of the other end portion effects articulation of the tool assembly in relation to the body portion, and movement of both the first and second end portions of the flexible band simultaneously effects movement of the dynamic clamping member to effect ejection of the staples from the cartridge assembly.

Claim 31 (Withdrawn): A surgical device according to claim 28, further including an approximation member operably associated with the tool assembly and being movable in relation to the tool assembly to move the anvil and cartridge assembly from the spaced to the approximated position.

Claim 32 (Withdrawn): A tool assembly according to claim 28, wherein the tool assembly is a disposable loading unit.

Claim 33 (Withdrawn): A surgical device comprising:  
a tool assembly including a first jaw and a second jaw, each of the jaws having a proximal end and a distal end, the first jaw being movable in relation to the second jaw between a spaced position and an approximated position; first and second cam followers supported on one of the first and second jaws; and

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an approximation member including at least one cam surface positioned to engage the first and second cam followers, the approximation member being movable to move the at least one cam surface in relation to the first and second cam followers to effect movement of the first and second jaws between the spaced position and the approximated position; and a dynamic clamping member operably associated with the first and second jaws and being movable in relation to the first and second jaws to actuate the tool assembly and to maintain a desired gap between the first and second jaws at a location adjacent the dynamic clamping member.

Claim 34 (Withdrawn): A surgical device according to claim 33, wherein the first jaw includes an anvil and the second jaw includes a cartridge assembly having a plurality of staples, the dynamic clamping member being movable in relation to the cartridge assembly to effect ejection of the plurality of staples from the cartridge assembly.

Claim 35 (Withdrawn): A surgical device according to claim 34, wherein the dynamic clamping member includes an upper flange positioned to slidably engage the anvil and a lower flange for slidably engaging the cartridge assembly, the upper and lower flanges being positioned to maintain a desired tissue gap between the anvil and the cartridge assembly.

Claim 36 (Withdrawn): A surgical stapling device according to claim 35, wherein the first and second cam followers are supported on a proximal end of the anvil.

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Claim 37 (New): A tool assembly according to claim 17, wherein the first jaw is an anvil and the second jaw is a cartridge assembly housing including a plurality of staples.

Claim 38 (New): A tool assembly according to claim 37, further comprising:

a body portion, wherein the tool assembly is pivotally attached to the body portion by an articulation joint;

a dynamic clamping member being movable in relation to the anvil and the cartridge assembly to eject the staples from the cartridge assembly; and

an articulation and firing actuator extending at least partially through the body portion and the tool assembly, the articulation and firing actuator being operably associated with the dynamic clamping member and the tool assembly and being movable in relation thereto to selectively pivot the tool assembly in relation to the body portion and move the dynamic clamping member in relation to the tool assembly to effect ejection of the staples from the cartridge.

Claim 39 (New): A tool assembly according to claim 38, wherein the articulation and firing actuator includes a flexible band having a first end portion extending at least partially through the body portion and through the cartridge assembly, a central portion extending from the first end portion and being operatively associated with the dynamic clamping member and a

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second end portion extending from the central portion through the cartridge assembly and at least partially through the body portion to a position adjacent the first end.

Claim 40 (New): A tool assembly according to claim 39, wherein actuation of the first end portion articulates the tool assembly in one direction and actuation of the second end portion articulates the tool assembly in an opposite direction.